

SENATE NO. 1  
DATE 3-26-07  
BILL NO. HB 689

## Montana Code Annotated 2005

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**75-10-107. State regulations no more stringent than federal regulations or guidelines.** (1) After April 14, 1995, except as provided in subsections (2) through (5) or unless required by state law, the department may not adopt a rule to implement this chapter that is more stringent than the comparable federal regulations or guidelines that address the same circumstances. The department may incorporate by reference comparable federal regulations or guidelines.

(2) The department may adopt a rule to implement this chapter that is more stringent than comparable federal regulations or guidelines only if the department makes a written finding after a public hearing and public comment and based on evidence in the record that:

- (a) the proposed state standard or requirement protects public health or the environment of the state; and
- (b) the state standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the department's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement.

(4) (a) A person affected by a rule of the department adopted after January 1, 1990, and before April 14, 1995, that that person believes to be more stringent than comparable federal regulations or guidelines may petition the department to review the rule. If the department determines that the rule is more stringent than comparable federal regulations or guidelines, the department shall comply with this section by either revising the rule to conform to the federal regulations or guidelines or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The department may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the department for a rule review under subsection (4)(a) if the department adopts a rule after January 1, 1990, in an area in which no federal regulations or guidelines existed and the federal government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted department rule.

(5) This section does not apply to a rule adopted under the emergency rulemaking provisions of 2-4-303(1).

**History:** En. Sec. 3, Ch. 471, L. 1995.

*Provided by Montana Legislative Services*

MATERIALS PROVIDED BY  
MONTANA ENVIRONMENTAL  
INFORMATION CENTER  
P O BOX 1184  
HELENA, MONTANA 59624

**Existing Montana coal plants:**  
**ground and surface water discharge permit parameters**  
 Prepared by Montana Environmental Information Center 443.2520

<b>Minimum parameters that should be monitored quarterly</b>	<b>Colstrip 1-4 (groundwater - most wells tested biannually - some with elevated levels tested more frequently)</b>	<b>MDU Lewis &amp; Clark Station (surface water tested biannually)</b>	<b>MDU Lewis &amp; Clark Station (groundwater tested annually)</b>	<b>Colstrip Energy Limited Partnership (groundwater tested biannually)</b>	<b>PPL Corrette</b>
<b>pH</b>	*	*	*	*	*
<b>Conductivity</b>	*		*		
<b>temperature</b>					
<b>Total Dissolved Solids</b>	*	*	*		*
<b>Aluminum</b>	*				
<b>Antimony</b>					
<b>Arsenic</b>			*		
<b>Barium</b>				*	
<b>Beryllium</b>					
<b>Boron</b>	*		*	*	
<b>Cadmium</b>	*		*		
<b>Calcium</b>	*	*	*	*	
<b>Chloride</b>	*	*	*	*	
<b>Chromium (total)</b>			*	*	
<b>Chromium (hexavalent)</b>					
<b>Copper</b>	*				
<b>Fluoride</b>				*	
<b>Iron</b>	*	*	*	*	
<b>Lead</b>	*		*		
<b>Magnesium</b>	*	*	*	*	
<b>Manganese</b>	*	*			
<b>Mercury</b>	*				
<b>Molybdenum</b>					
<b>Nickel</b>	*		*		
<b>Potassium</b>	*	*	*	*	
<b>Selenium</b>	*			*	

<b>Silver</b>					
<b>Sodium</b>	*	*	*	*	
<b>Sulfate</b>	*	*	*	*	
<b>Thallium</b>					
<b>Zinc</b>	*				
	<b>Flow</b>	<b>Flow</b>			<b>Flow</b>
	<b>SAR</b>	<b>SAR</b>	<b>SAR</b>		
	<b>Total Hardness</b>	<b>Hardness</b>	<b>Hardness</b>		
	<b>Alkalinity of calcium carbonates &amp; bicarbonates</b>	<b>Carbonate &amp; bicarbonate</b>	<b>Carbonate &amp; bicarbonate</b>	<b>Carbonate</b>	
	<b>Nitrate</b>		<b>nitrate</b>		
	<b>nitrites</b>	<b>nitrites</b>			
	<b>phosphates</b>				
	<b>vanadium</b>				
		<b>temperature</b>			
		<b>Total Suspended Solids</b>			<b>Total Suspended Solids</b>
			<b>Residual sodium carbonate</b>		
			<b>Sodium chloride</b>		
				<b>Total alkalinity</b>	
					<b>Oil and Grease</b>